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EXAMINER	
KANG, INSUN	

ART UNIT	PAPER NUMBER
2124	

DATE MAILED: 08/27/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/771,875	KUMAGAI, YOSHITOMO	
	Examiner	Art Unit	
	Insun Kang	2124	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *20 May 2004*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,2,4-7 and 9-18* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1, 2, 4-7, and 9-18* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ ~~Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)~~ Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. This action is in response to the amendment filed 5/20/2004.

2. As per applicant's request, claims 1, 2, 4-7, and 9-11 have been amended, claims 3 and 8 have been cancelled, and claims 12-18 have been added. Claims 1, 2, 4-7, and 9-18 are pending in the application.

Specification

3. The objection to abstract has been maintained due to the incorrect underlining: "create a GUI definition file" in page 2 line 9. The article 'a' was recited in the previous abstract.

Claim Rejections - 35 USC § 112

4. The rejection to claims 1-11 has been withdrawn due to the amendment to the claims.

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

6. Claims 12-18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Per claim 12, it is unclear to which interface layer it is referring. It is interpreted as "the interface layer."

Claim 13 recites the limitation "the operating system dependent **portions**" in lines 1-2. There is insufficient antecedent basis for this limitation in the claim.

Claim 14 recites the limitation "the GUI **images**" in line 3. There is insufficient antecedent basis for this limitation in the claim.

Claim 16 recites the limitation "the operating system dependent **portions**" in lines 1-2. There is insufficient antecedent basis for this limitation in the claim.

Claim 17 recites the limitation "the GUI **images**" in line 3. There is insufficient antecedent basis for this limitation in the claim.

Per claim 18, it is unclear to which graphical user interface it is referring.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims 1, 2, 4, 6, 7, 9, 11, and 12-18 are rejected under 35 U.S.C. 102(e) as being anticipated by Okada et al (US Patent 5,956,029), hereinafter referred to as "Okada."

Per claim 1:

Okada discloses:

- displaying a menu statusby using an origin GUI definition file for the application in said original operating system environment ("The picture information ... is triggered by the event from the event acquiring section ... to acquire picture information constituted by logic structure information indicating the configurations of the window displayed on the picture and interactive components such as a menu, buttons, and the like on the window, layout information indicating the positions and sizes of the interactive components, and attribute information about the captions (item names) and focus states of the interactive components... The picture information ... stores the acquired information in the picture information storage section," col 4, lines 43-64). See also FIGS. 7A and 7B showing the display picture and the picture information displayed.
- creating a target GUI definition file for the application in said target operating system environment ("When the picture information is acquired, the target point extracting section 113 refers to the target point information in the target point information storage section 114 (step S305) and extracts target point picture information from the picture information stored in the picture information storage section 112," col 4, lines 51-67, col 5, lines 1-14; "a user interface conversion method of converting a picture interface provided by an application program running on an operating system having a graphical user interface to generate and provide a new picture interface, comprising the steps of acquiring picture information of the application program in response to, as a trigger, a change in the picture provided by

the application program, determining a target point in the acquired picture information, generating converted picture information from the determined target point by referring to conversion template information, and displaying a converted picture in accordance with the generated converted picture information," col 2, lines 32-45; see also col 10, lines 47-65)

- adding GUI information of a menu associated with the status displayed wherein the target GUI definition file allows the menu to be displayed in said target operating system environment by using the GUI definition file ("When the above conversion is complete, the converted interface control executing section 241 of the converted interface control section 117 in FIG. 5 displays the converted picture on the display of the output unit 104 on the basis of the converted picture information in the converted picture information storage section 116," col 6, lines 18-44) as claimed.

Per claim 2:

The rejection of claim 1 is incorporated, and further, Okada teaches:

-rewriting an interface layer of the application in said original operating system environment so that said target GUI definition file is read in said target operating system environment ("the component replacement information in the component replacement information storage section 224, and the virtual component addition information in the virtual component addition information storage section 226 to perform information replacement under the control of the converted interface generation control section 201," col 5, lines 15-43; "a user interface conversion method and apparatus which extract only necessary information from original picture

information and automatically generating a converted picture without changing an existing application program and requiring the producer of pictures to generate all picture data again," col 2, lines 1-10; see also col 4, lines 10-16) as claimed.

Per claim 4:

The rejection of claim 1 is incorporated, and further, Okada teaches:

- sequentially searching from a parent window to a sub-window of said menu ("When the picture information is acquired, the target point extracting section 113 refers to the target point information in the target point information storage section 114 (step S305) and extracts target point picture information from the picture information stored in the picture information storage section 112 (step S306). Target point information as reference information designates the **sub-tree structure of target interactive components from the tree structure of the picture information**. For example, a target application window, a current window, a focused interactive component, and the like can be designated," col 4, lines 51-64; See also Fig 7A-B, Fig 8) and fetching the position and size of each window in said displayed status ("The stored converted picture information has a tree structure constituted by logic structure information indicating the configurations of the window displayed on the converted picture and interactive components such as a menu and buttons on the window, layout information indicating the positions and sizes of the interactive components, attribute information about the captions (item names) and focus states of the interactive components, and information about links between the interactive

components in the picture information and corresponding event," col 5, lines 44-57; col 4, lines 51-64),

- creating the target GUI definition file comprises outputting said fetched positions and sizes and creating the target GUI definition file ("When the above conversion is complete, the converted interface control executing section 241 of the converted interface control section 117 in FIG. 5 displays the converted picture on the display of the output unit 104 on the basis of the converted picture information in the converted picture information storage section 116 (step S312)," col 6, lines 18-44; see also col 7, lines 50-60; col 5, lines 23-57) as claimed.

Regarding claims 6, 7, and 9, they are the system versions of claims 1, 2, and 4, respectively, and are rejected for the same reasons set forth in connection with the rejection of claims 1, 2, and 4 above.

Regarding claim 11, it is the storage medium version of claims 1 and 6, respectively, and is rejected for the same reasons set forth in connection with the rejection of claims 1 and 6 above.

Per claim 15:

Okada discloses:

-a GUI definition file for said application ("The picture information ... is triggered by the event from the event acquiring section ... to acquire picture information constituted by logic structure information indicating the configurations of the window displayed on the picture and interactive components such as a menu, buttons, and the like on the

window, layout information indicating the positions and sizes of the interactive components, and attribute information about the captions (item names) and focus states of the interactive components... The picture information ... stores the acquired information in the picture information storage section," col 4, lines 43-64)

-a display device ("displaying a converted picture in accordance with the generated converted picture information," col. 2 lines 35-45)

-a creating means for rewriting a GUI information of a GUI definition file for the application of said original operating system environment to a target GUI information of a GUI definition file for the application in said target operating system environment so as to allow a created GUI image to be displayed in said target operating system environment ("When the above conversion is complete, the converted interface control executing section 241 of the converted interface control section 117 in FIG. 5 displays the converted picture on the display of the output unit 104 on the basis of the converted picture information in the converted picture information storage section 116," col 6, lines 18-44)

-for replacing an original operating system dependent portion of an interface layer of the application in said original operating system environment with a target operating system dependent portion of an interface layer of the application in said target operating system environment to create the application of the target operating system environment ("a user interface conversion method and apparatus which extract only necessary information from original picture information and automatically generating a converted picture without changing an existing application program and requiring the producer of

pictures to generate all picture data again," col 2, lines 1-10; see also col 4, lines 10-16) as claimed.

Per claim 16: The rejection of claim 15 is incorporated, and further, Okada teaches: the operating system dependent portions comprise dependent portions that draw GUI images in a window of a display according to an image instruction of the application by using corresponding GUI definition file (col 5, lines 15-43; col 2, lines 1-10; see also col 4, lines 10-16) as claimed.

Per claim 17: The rejection of claim 15 is incorporated, and further, Okada teaches:
- said creating means creates said target GUI definition file from the GUI definition file to allow that a GUI tool of the target operating system environment displays the GUI images in a window of a display according to a processing of the operating system dependent portion used in said target GUI definition file (col 5, lines 15-43; col 2, lines 1-10; see also col 4, lines 10-16) as claimed.

Per claims 12-14, they are the method versions of claims 15-17, respectively, and are rejected for the same reasons set forth in connection with the rejection of claims 15-17 above.

Per claim 18:

Okada discloses:

displaying a menu status using graphical user interface files of the application in the first operating system ("The picture information ... is triggered by the event from the event acquiring section ... to acquire picture information constituted by logic structure information indicating the configurations of the window displayed on the picture and interactive components such as a menu, buttons, and the like on the window, layout information indicating the positions and sizes of the interactive components, and attribute information about the captions (item names) and focus states of the interactive components... The picture information ... stores the acquired information in the picture information storage section," col 4, lines 43-64)

-automatically creating and displaying another graphical user interface for the application in the second operating system, wherein graphical user interface of the application in the first operating system is added to the created graphical user interface for the application in the second operating system ("When the above conversion is complete, the converted interface control executing section 241 of the converted interface control section 117 in FIG. 5 displays the converted picture on the display of the output unit 104 on the basis of the converted picture information in the converted picture information storage section 116," col 6, lines 18-44; a user interface conversion method and apparatus which extract only necessary information from original picture information and automatically generating a converted picture without changing an existing application program and requiring the producer of pictures to generate all picture data again," col 2, lines 1-10; see also col 4, lines 10-16) as claimed.

9. Claims 12-18 are rejected under 35 U.S.C. 102(b) as being anticipated by Hiromichi et al. (JP 07-073011, published 3/17/1995) hereinafter referred to as "Hiromichi."

Per claim 15:

Hiromichi discloses:

-a GUI definition file for said application (page 3 paragraph 0002 and 0004)

-a display device ("graphic display devices," abstract)

-a creating means for rewriting a GUI information of a GUI definition file for the application of said original operating system environment to a target GUI information of a GUI definition file for the application in said target operating system environment so as to allow a created GUI image to be displayed in said target operating system environment ("When the virtual graphic interface section is prepared ...and drawing environments differ, it is attained by changing only the ...environmental dependence section," page 3 paragraph 0005)

-for replacing an original operating system dependent portion of an interface layer of the application in said original operating system environment with a target operating system dependent portion of an interface layer of the application in said target operating system environment to create the application of the target operating system environment ("When the virtual graphic interface section is prepared ...and drawing environments differ, it is attained by changing only the ...environmental dependence section," page 3 paragraph 0005) as claimed.

Per claim 16:

The rejection of claim 15 is incorporated, and further, Hiromichi teaches:

- the operating system dependent portions comprise dependent portions that draw GUI images in a window of a display according to an image instruction of the application by using corresponding GUI definition file ("What it depends for on change of a drawing environment is only the drawing data display module... change of a drawing environment can be coped with only by modification of the drawing data display module," page 5 paragraph 0009) as claimed.

Per claim 17:

The rejection of claim 15 is incorporated, and further, Hiromichi teaches:

- said creating means creates said target GUI definition file from the GUI definition file to allow that a GUI tool of the target operating system environment displays the GUI images in a window of a display according to a processing of the operating system dependent portion used in said target GUI definition file ("When the virtual graphic interface section is prepared ... and drawing environments differ, it is attained by changing only the ... environmental dependence section," page 3 paragraph 0005) as claimed.

Per claims 12-14, they are the method versions of claims 15-17, respectively, and are rejected for the same reasons set forth in connection with the rejection of claims 15-17 above.

Per claim 18:

Hiromichi discoses:

displaying a menu status using graphical user interface files of the application in the first operating system("What it depends for on change of a drawing environment is only the drawing data display module...change of a drawing environment can be coped with only by modification of the drawing data display module," page 5 paragraph 0009), and automatically creating and displaying another graphical user interface for the application in the second operating system, wherein graphical user interface of the application in the first operating system is added to the created graphical user interface for the application in the second operating system("When the virtual graphic interface section is prepared ...and drawing environments differ, it is attained by changing only the ...environmental dependence section," page 3 paragraph 0005)

10. Claims 12-18 are rejected under 35 U.S.C. 102(b) as being anticipated by Nobuo et al. (JP 09-251379, published 9/22/1997) hereinafter referred to as "Nobuo."

Per claim 18:

Nobuo discloses:

- displaying a menu status using graphical user interface files of the application in the first operating system (page 3 paragraph 0016-0017), and automatically creating and displaying another graphical user interface for the application in the second operating system, wherein graphical user interface of the application in the first operating system is added to the created graphical user interface for the application in the second

operating system (page 8 paragraph 0056; page 7 paragraph 0044 and 0045) as claimed.

Claim Rejections - 35 USC § 103

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

12.1. Claims 5 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Okada et al. (US Patent 5,956,029), hereinafter referred to as "Okada" in view of Applicant's Admitted Prior Art (hereinafter referred to as "APA") disclosed in the instant application.

Regarding claim 5, Okada discloses "a user interface conversion method and apparatus which can convert an application picture developed on the operating system (OS) of a computer having a graphical user interface (GUI) (to be referred to as a GUI OS hereinafter) into various picture interfaces in accordance with different operation environments and different users"(col 1, lines 5-17). Okada does not explicitly disclose that the original operating system environment is a UNIX operating system and the different operating system environment is a Windows operating system. APA teaches that Windows as the original operating system and UNIX as the target operating system where porting is expected to be performed were well-known in the art of software development and distribution at the time applicant's invention was made

("An application program...in one operating system...cannot be used, as is, in another OS environment, the application must be transferred to the other environment. Below an example of the transfer of a UNIX workstation ...application to a Windows personal computer...application will be explained. ...to transfer this UNIX application...to windows NT...it has been proposed that an interface layer that mediates between applications and platforms be established so that creation of an application using that interface will enable transfer of that application to another platform merely by rewriting the interface part," page 1-3).

Therefore, it would have been obvious to a person of ordinary skill in the art to modify the system of Okada to use the disclosed conversion method to accommodate the UNIX application in Windows operating system environment so that the GUI application created using Motif library, for example, in UNIX system can be seamlessly used in WINDOWS system. The modification would be obvious because Okada's conversion method can produce a cross-platform GUI application "realizing efficient, easy generation of converted (Okada, col 1, lines 5-17)" GUI from UNIX that is interoperable in Windows system.

Regarding claim10, it is the system version of claim 5, respectively, and is rejected for the same reasons set forth in connection with the rejection of claim 5 above.

12.2. Claims 5 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Okada et al. (US Patent 5,956,029), hereinafter referred to as "Okada" in view of Blanton et al. ("Performance of Windows NT Porting Environments," IEEE, 3/1999)

hereinafter referred to as "Blanton."

Regarding claim 5, Okada discloses "a user interface conversion method and apparatus which can convert an application picture developed on the operating system (OS) of a computer having a graphical user interface (GUI) (to be referred to as a GUI OS hereinafter) into various picture interfaces in accordance with different operation environments and different users"(col 1, lines 5-17). Okada does not explicitly disclose that the original operating system environment is a UNIX operating system and the different operating system environment is a Windows operating system. Blanton teaches that Windows as the original operating system and UNIX as the target operating system where porting is expected to be performed were well-known in the art of software development and distribution at the time applicant's invention was made ("A number of software products provide development and operational environments to facilitate the porting of UNIX applications to Windows NT...to minimize the amount of code rewrite for the ported application," abstract).

Therefore, it would have been obvious to a person of ordinary skill in the art to modify the system of Okada to use the disclosed conversion method to accommodate the UNIX application in Windows operating system environment so that the GUI application created using Motif library, for example, in UNIX system can be seamlessly used in WINDOWS system. The modification would be obvious because one having ordinary skill in the art would be motivated to "minimize the amount of code rewrite for the ported [UNIX] application (abstract)" in Windows system as suggested by Blanton.

Regarding claim10, it is the system version of claim 5, respectively, and is rejected for the same reasons set forth in connection with the rejection of claim 5 above.

12. Claims 12-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant's Admitted Prior Art (hereinafter referred to as "APA") disclosed in the instant application in view of Hiromichi et al. (JP 07-073011, published 3/17/1995) hereinafter referred to as "Hiromichi."

Per claim 15:

APA discloses:

-a GUI definition file for said application ("A GUI displays the desired menus using GUI definitions," APA, page 2 lines 23-26)

a display device ("A GUI displays the desired menus using GUI definitions," APA, page 2 lines 23-26)

-a creating means for rewriting a GUI information of a GUI definition file for the application of said original operating system environment to a target GUI information of a GUI definition file for the application in said target operating system environment so as to allow a created GUI image to be displayed in said target operating system environment ("it has been proposed that an interface layer that mediates between applications and platforms be established so that creation of an application using that

interface will enable transfer of that application to another platform merely by rewriting the interface part," page 1-3)

APA does not explicitly teach that a creating means for replacing an original operating system dependent portion of an interface layer of the application in said original operating system environment with a target operating system dependent portion of an interface layer of the application in said target operating system environment to create the application of the target operating system environment as claimed.

However, Hiromichi teaches that it was known in the art of software distribution and GUI development, at the time applicant's invention was made, to "easily perform transportation to different plotting circumstances (Hiromichi, abstract)." It would have been obvious for one having ordinary skill in the pertinent art to modify APA's disclosed system to incorporate the teachings of Hiromichi. The modification would be obvious because one having ordinary skill in the art would be motivated to "make transplantation by different drawing environment easy (page 3 paragraph 0003)" by separating the platform dependent part of the interface from the independent part so that only that part needs to be replaced (page 3 paragraphs 0004 and 0005) as suggested by Hiromichi.

Per claim 16:

The rejection of claim 15 is incorporated, and further, Hiromichi teaches:

- the operating system dependent portions comprise dependent portions that draw GUI images in a window of a display according to an image instruction of the application by using corresponding GUI definition file("What it depends for on change of a drawing

environment is only the drawing data display module...change of a drawing environment can be coped with only by modification of the drawing data display module," page 5 paragraph 0009) as claimed.

Per claim 17:

The rejection of claim 15 is incorporated, and further, Hiromichi teaches:

- said creating means creates said target GUI definition file from the GUI definition file to allow that a GUI tool of the target operating system environment displays the GUI images in a window of a display according to a processing of the operating system dependent portion used in said target GUI definition file ("When the virtual graphic interface section is prepared ...and drawing environments differ, it is attained by changing only the ...environmental dependence section," page 3 paragraph 0005) as claimed.

Per claims 12-14, they are the method versions of claims 15-17, respectively, and are rejected for the same reasons set forth in connection with the rejection of claims 15-17 above.

Response to Arguments

13. Applicant's arguments filed 5/20/2004 have been fully considered but they are not persuasive.

Per claims 1, 6, and 11:

The Applicant states that:

The present application transfers "an application from an original operating system environment to another target operating system environment" (see, claims 1, 6, and 11 of the present application), thereby allowing the application to run in various operating systems. This is achieved by "displaying a menu status using a GUI destination file for the application of said original operating system"... This is unlike the '029 apparatus that merely modifies the display of a user interface within the same OS because the present invention transfers an application between two different operating systems, for example, between UNIX to Windows NT (page 8 paragraph 2).

Note) The applicant mixes the old and new limitations instead of referring to the amended limitations. For example, the claim limitation "displaying a menu status by using a GUI definition file" has been amended as "displaying a menu status by using an origin GUI definition file." It is interpreted as the applicant refers to the amended limitations.

In response to applicant's arguments, the recitation "transferring an application from an original operating system environment to another target operating system environment" has not been given patentable weight because the recitation occurs in the preamble. A preamble is generally not accorded any patentable weight where it merely recites the purpose of a process or the intended use of a structure, and where the body of the claim does not depend on the preamble for completeness but, instead, the process steps or structural limitations are able to stand alone. See *In re Hirao*, 535 F.2d 67, 190 USPQ 15 (CCPA 1976) and *Kropa v. Robie*, 187 F.2d 150, 152, 88 USPQ 478, 481 (CCPA 1951).

The applicant specifically pointes out that the transferring is "achieved by" the steps recited in the claim body (page 8 second paragraph). Thus, the claim preamble is not given any patentable weight.

The applicant also argues that the "present invention transfers an application between two **different** operating systems, for example, between UNIX to Windows NT (page 8 second paragraph)." However, this feature is not recited in the independent claims. Therefore, the target operating system can be either the same operating system or a different operating system.

Additionally, the claims recite the limitation; "wherein the target GUI definition file allows the menu to be displayed in said target operating system environment by using the target GUI definition file." The examiner points out that this limitation does not recite the step of actually displaying the menu in the target operating system environment by using the target GUI definition file, instead, it is only capable of performing the display of the menu in the target OS environment. It is noted that a recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim. In a claim drawn to a process of making, the intended use must result in a manipulative difference as compared to the prior art. See *In re Casey*, 152 USPQ 235 (CCPA 1967) and *In re Otto*, 136 USPQ 458, 459 (CCPA 1963).

Okada discloses, "converting a picture interface provided by an application program running on an operating system having a graphical user interface to generate

and provide a new picture interface (abstract)." This conversion is "in accordance with different operation environments and a different users (col. 1 lines 5-17)." Therefore, Okada's conversion method also "allows" the menu to be displayed in the target operating system environment by using the target GUI definition file, as the conversion was to accommodate different operation environments and a different users (col. 1 lines 5-17).

Accordingly, in view of the broadest reasonable interpretation, the rejections of claims 1, 6, and 11 by Okada are considered proper and maintained.

Per claims 2 and 7:

Applicant states:

Further, the '029 apparatus converts the application picture developed in an OS into various picture interfaces without changing an original application program (see, column 1, lines 5-12, column 2, lines 3-9, and FIG. 1 and corresponding text of .029). Thus, the '029 apparatus executes the conversion of the picture within the same application program and OS. However, the present application rewrites "an interface layer of the application in said original operating system environment so that said another GUI definition file is read in said target operating
system environment" (see, claims 2 and 7 of the present application). This allows the present invention to display the information in the target OS environment by allowing the original OS and target OS to communicate with each other.

In response to applicant's argument that the reference fails to show "rewriting an interface layer ... so that said target GUI definition file is read in said target operating system environment." It is noted that the target GUI definition can be read in the target GUI definition file by the step of rewriting an interface layer. The claims do not recite

the step of actually reading the target GUI definition file in the target operating system environment. Rather, they recite only the capability of performing the target GUI definition reading in the target OS environment. It is noted that a recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim. In a claim drawn to a process of making, the intended use must result in a manipulative difference as compared to the prior art. See *In re Casey*, 152 USPQ 235 (CCPA 1967) and *In re Otto*, 136 USPQ 458, 459 (CCPA 1963). Okada discloses, "converting a picture interface provided by an application program running on an operating system having a graphical user interface to generate and provide a new picture interface (abstract)." This conversion is "in accordance with different operation environments and a different users (col. 1 lines 5-17)." Therefore, Okada's conversion method converts a picture interface "so that the target GUI definition file is read in the target operating system" as the conversion was to accommodate different operation environments and a different users (col. 1 lines 5-17).

Accordingly, the rejections of claims 2 and 7 by Okada are considered proper and maintained.

Per claims 5 and 10:

The applicant argued that '029 reference does not "teach or suggest the transfer of an application where the "original operating system environment is a UNIX operating

system and wherein said target operating system environment is a Windows operating system." It is noted that the body of the claim recites, "said original operating system environment is a UNIX operating system and wherein said target operating system environment is a Windows operating system." The transferring feature is in the claim preamble. See the response to the claims 1, 6 and 11 above.

Official Notice was taken that Windows and Unix system having different graphical user interfaces were well-known operation environments at the time applicant's invention was made in the previous office action. In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See In re Keller, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); In re Merck & Co., 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

The applicant does not request to provide a reference in place of the Official Notice. However, the examiner provides references that clearly recite the instant claim limitation. Accordingly, the rejections of claims 5 and 10 are considered proper and maintained.

Per claims 4 and 9:

The applicant fails to show that the reasons concerning the rejection of claims 4 and 9 are improper and to point out disagreements with the examiner's contentions. As has been shown above, the rejections of independent claims 1 and 6 by Okada are proper and the applicant fails to discuss the references applied against the claims, explaining

how the claims avoid the references or distinguish from them. Accordingly, the rejections of claims 4 and 9 by Okada are considered proper and maintained.

Conclusion

14. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Insun Kang whose telephone number is 703-305-6465. The examiner can normally be reached on M-F 8:30-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kakali Chaki can be reached on 703-305-9662. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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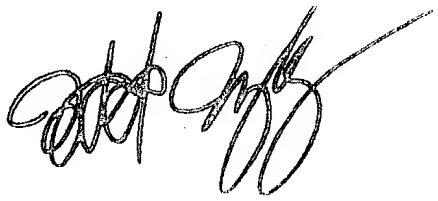

TODD INGBERG
PRIMARY EXAMINER